

REMARKS

Applicants noticed a typographical error in the specification and claims. In particular, “azomethyne” should be spelled “azomethine.” Accordingly, Applicants are amending the specification (the substitute specification filed on May 23, 2007 with Amendment C) and claims to make this change. No new matter is being added. Therefore, it is respectfully requested that this amendment be entered and allowed.

Applicants will now address each of the Examiner’s rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §102

Liang et al.

In the Office Action, the Examiner now rejects Claims 1, 5, 6, 13 and 14 under 35 U.S.C. §102(a) as being anticipated by an article by Liang et al. (Analytical Sciences, August, 2003). This rejection is respectfully traversed.

In particular, it is respectfully submitted that Liang is not prior art to the present application.

More specifically, Liang lists a publication date of August 2003.

The present application was filed on March 25, 2004 and claims priority under 35 USC §119 of Japanese patent application serial number 2003-085688 filed March 26, 2003 in Japan. A certified copy of this priority Japanese application was filed March 25, 2004 in the present U.S. application. Applicants are submitting herewith a verified English translation of Japanese patent application serial number 2003-085688. Therefore, Applicants are entitled to claim the benefit of the March 26, 2003 priority date.

Hence, as the §119 priority filing date of the present application is prior to the publication date of Liang, Liang is not prior art to the present application.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Takeda et al.

The Examiner also now rejects Claims 1, 5, 10 and 14 under 35 U.S.C. §102(b) as being anticipated by an article by Takeda et al. (J. Mater. Res., April 2001). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 1 to include the features of dependent Claim 6, as explained in depth below. It is noted that Claim 6 is not rejected over this reference.

Further, it is respectfully submitted that Takeda does not disclose or suggest amended Claim 1 or those claims dependent thereon.

Accordingly, it is respectfully requested that this rejection be withdrawn.

JP 06-166501

The Examiner also now rejects Claims 1, 5, 7 and 14 under 35 U.S.C. §102(b) as being anticipated by (JP 06-166501). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 1 to include the features of dependent Claim 6, as explained in depth below. It is noted that Claim 6 is not rejected over this reference.

Further, it is respectfully submitted that JP '501 does not disclose or suggest amended Claim 1 or those claims dependent thereon.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Russell, Jr.

The Examiner also now rejects Claims 1, 5, 7, 9, 10 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. 4,247,597 (Russell, Jr.). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 1 to include the features of dependent Claim 6, as explained in depth below. It is noted that Claim 6 is not rejected over this reference.

Further, it is respectfully submitted that Russell does not disclose or suggest amended Claim 1 or those claims dependent thereon.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Brauer et al.

The Examiner also now rejects Claims 1, 5, 7, 10, 14 and 16 under 35 U.S.C. §102(b) as being anticipated by U.S. 4,362,510 (Brauer et al.). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 1 to include the features of dependent Claim 6, as explained in depth below. It is noted that Claim 6 is not rejected over this reference.

Further, it is respectfully submitted that Brauer does not disclose or suggest amended Claim 1 or those claims dependent thereon.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Matijevic et al.

The Examiner also now rejects Claims 1, 5-8, 10 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. 5,318,628 (Matijevic et al.). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 1 to include the features of dependent Claim 6.¹ More specifically, Applicants are amending independent Claim 1 to include the features of Claim 6 that the structure of the ligand possesses both a phenolic moiety and a heterocycle bearing a nitrogen atom as a heteroatom. Furthermore, the metal atom is to be chelated by the oxygen atom of the phenolic moiety and simultaneously by the nitrogen atom of the heterocycle. It is respectfully submitted that Matijevic does not disclose or suggest these claimed features.

In particular, with regard to the rejection of Claim 6, the Examiner contends that Matijevic teaches dyes having the structure of claim 6.²

However, although Matijevic teaches dyes having an o,o'-dihydroxy azo group or a salicylic group, there appears to be no disclosure or suggestion of a ligand having both a phenolic moiety and a nitrogen-containing heterocycle, each of which contributes to the chelation with the metal atom, as in amended Claim 1.

For example, the dyes listed in the table in Col. 9 in Matijevic do not appear to possess a structure which has the phenolic moiety and the nitrogen-containing heterocycle, wherein both the phenolic moiety and the nitrogen atom chelate the metal atom, and there appears to be no

¹ Dependent Claim 13 is being amended to be consistent with amended Claim 1.

² There is no showing in the rejection as to specifically where or how the claimed features are allegedly disclosed in Matijevic. It is respectfully requested that if the Examiner is going to maintain this rejection, that he provide a specific and detailed explanation of where these features are allegedly shown in the reference.

teaching in Matijevic of such a feature or structure. Similarly, the compounds having o,o'-dihydroxy azo group or a salicylic group in Col. 9, lines 55-60 in Matijevic do not appear to possess the phenolic moiety and the nitrogen-containing heterocycle of Claim 1.

A search of the database provided by the American Chemical Society (ACS) evidences this conclusion.³ Specifically, Matijevic recites the following dyes at Col. 9, lines 55-60: Acid Red 183, Acid Yellow 99, Mordant Blue 9, Mordant Blue 3 and 29, Mordant Red 3, and Acid Blue 45. A search for these dyes in the ACS database (see accompanying IDS) shows the chemical structures of each of these dyes. From this data, it is clear that these dyes are not included within the scope of original Claim 6, and now amended Claim 1.

Therefore, amended independent Claim 1 is not disclosed or suggested by Matijevic, and Claim 1 and those claims dependent thereon are patentable over Matijevic.

With regard to Claim 8, Applicant has merely amended this claim to place it in independent form and to correct an informality in the claim. Applicants, however, respectfully disagree with the rejection of this claim as being anticipated by Matijevic.

In particular, Claim 8 recites a ligand structure possessing a phenolic moiety and an azomethine group, wherein both the phenolic moiety and the azomethine group chelate the metal atom. There appears to be no disclosure or suggestion of such a ligand in Matijevic.

More specifically, the azomethine group of Claim 8 has a structure of a carbon-nitrogen double bond (C=N) while the azo group in Matijevic denotes the structure of a nitrogen-nitrogen double bond (N=N) (see formulas in accompanying IDS).

Therefore, independent Claim 8 is not disclosed or suggested by Matijevic, and Claim 8 and those claims dependent thereon are patentable over Matijevic.

³ This search was done using the well-known software "SciFinder." See the IDS accompanying this amendment.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 11 and 12

The Examiner states in the Office Action that Claims 11 and 12 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Therefore, in order to advance the prosecution of this application, Applicants are amending dependent Claims 11 and 12 to place them in independent form including all of the limitations of the claims on which they depend.

Accordingly, independent Claims 11 and 12 and the claims dependent thereon should be in an allowable condition and should be allowed.

Claims 7, 9, and 10

In order to advance the prosecution of this application, Applicants are canceling Claims 7, 9, and 10 without prejudice or disclaimer.

New Claims

Applicants are also adding new dependent Claims 61-73. As these are dependent claims, they are allowable for at least the reasons discussed above for the independent claims.

There is also clear support for these claims in the present application.

For example, the feature of new Claim 61 is found, e.g., at page 16, line 7 - end of page 17 of the English translation of the specification as filed.

New dependent Claims 62-73 are being added in accordance with the amendment of Claims 8, 11, 12 into independent form, as discussed above. These new dependent claims are similar to the dependent claims which are dependent on independent Claim 1.

Hence, no new matter has been added, and it is respectfully requested that these new claims be entered and allowed.

If any fee should be due for these new claims, please charge our deposit account 50/1039.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment and/or the new claims, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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